

BEST AVAILABLE COPY**REMARKS**

The Office rejects claims 1-7 in the subject application. Applicant amends claims 1 and 4 to correct a typographical error. Claims 1-7 (3 independent claims; 7 total claims) remain pending in the application.

Although not included in this Response for brevity, all prior arguments are incorporated herein.

Support for any amendments may be found in the originally filed specification, claims, and figures. No new matter has been introduced by such amendments. Reconsideration of this application is respectfully requested.

35 U.S.C. § 103 REJECTIONS**Claims 1, 2, 4, 5, and 7**

The Examiner rejects claims 1, 2, 4, 5, and 7 under 35 U.S.C. §103(a) as allegedly being unpatentable over Johnson (U.S. Patent No. 6,334,125, issued December 25, 2001, owned by AT&T) in view of Bader (U.S. Patent No. 5,467,471, issued November 14, 1995, owned by the inventor). Applicant respectfully traverses the rejection.

The Examiner concedes that "Johnson does not clearly disclose that the processing determines if the node corresponding to the key parameter already exists or not". But the Examiner alleges that Bader discloses "the step of determine the duplicate of an entry in the table" and that it would have been obvious to combine Johnson and Bader.¹

But Johnson in view of Bader fails to teach, advise, or suggest "(b1) if it is determined that the node corresponding to the key parameter already exists, then a new node corresponding to the key parameter is not added, and at least one node corresponding to a parameter which is not the key parameter is added to the hierarchical tree; and (b2) if it is determined that the node corresponding to the key parameter does not exist, then a new node corresponding to the key parameter and at least one node corresponding to a parameter which is not the key parameter are added to the hierarchical tree" as recited in claims 1, 4, and 7 (and claims 2 and 5, which variously depend from claims 1 and 4).

The claimed invention recites more than simply determining whether a node corresponding to a key parameter already exists in a hierarchical tree. Claims 1, 4, and 7 also

¹ Office Action mailed October 24, 2005, page 3.

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recite steps b1 and b2 above. But the Examiner fails to address which elements in Johnson or Bader disclose steps b1 and b2. Indeed, the Examiner relies on column 7 (lines 63-67) and Figure 11 of Bader in rejecting claims 1, 4, and 7. However, this portion of Bader simply states as follows:

as part of the processing at block 358, if one entry is a true duplicate of another entry (i.e., criterion number and genealogy are identical for two entries), such a duplicate entry is not included in the genealogy table.²

But no further description has been found in Bader as to how duplicates may be handled. Figure 11 of Bader simply illustrates the above referenced step 358 without providing additional detail as to how the step is performed. Consequently, Bader fails to teach, advise, or suggest steps b1 and b2 as recited in claims 1, 4, and 7.

More specifically, Bader fails to teach, advise, or suggest "(b1) if it is determined that the node corresponding to the key parameter already exists, then a new node corresponding to the key parameter is not added, and at least one node corresponding to a parameter which is not the key parameter is added to the hierarchical tree; and (b2) if it is determined that the node corresponding to the key parameter does not exist, then a new node corresponding to the key parameter and at least one node corresponding to a parameter which is not the key parameter are added to the hierarchical tree" as recited in claims 1, 4, and 7 (emphasis added).

Thus, Johnson in view of Bader fails to teach, advise, or suggest one or more of the missing claimed elements, so that claims 1, 2, 4, 5, and 7 are patentable over these references.

Claims 3 and 6

The Examiner rejects claims 3 and 6 under 35 U.S.C. §103(a) as allegedly being unpatentable over Johnson in view of Bader as applied to claims 1, 2, 4, 5, and 7, and further in view of Morgenstern (U.S. Patent No. 5,970,490, issued October 19, 1999, owned by Xerox).

Based on the above arguments in connection with claims 1 and 4 and the Johnson and Bader references, claims 3 and 6 (which variously depend from claims 1 and 4) are also patentable for the same reasons over Johnson in view of Bader as applied to claims 1, 2, 4, 5, and 7, and further in view of Morgenstern. Morgenstern fails to make up for the shortcomings of Johnson and Bader.

BEST AVAILABLE COPY**CONCLUSION**

Thus, the Applicant respectfully submits that the present application is in condition for allowance. Reconsideration of the application is thus requested. Applicant invites the Office to telephone the undersigned if he or she has any questions whatsoever regarding this Response or the present application in general.

Respectfully submitted,

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² Bader, column 7, lines 63-67.